

Exhibit 1

B. Sauter, P. Condzal E-mail Correspondence
April 7–8, 2022

From: [Condzal, Paul E.](#)
To: [Benjamin J. A. Sauter](#); neil@neilesq.com
Cc: [Christopher Cogburn](#)
Subject: [EXTERNAL] Re: SingularDTV GmbH v. LeBeau, et al., 21-CV-10130 (SDNY)
Date: Friday, April 8, 2022 4:05:02 PM

Good Afternoon Ben:

I write in response to your email below.

While we will of course be responding to your document demand as soon as practicable, it will not be possible to do so on April 11th. Nor is it specifically required. We were not conducting, and not obligated to be conducting, the due and diligent search that I am sure you will insist upon for any responsive documents pending the Court's decision and in fact were not sure when we would receive the decision or what directive if any it might contain. It is completely reasonable for our clients to need a few days to review and research the respective requests and produce whatever might be in their custody possession and control.

As such, we will have our responses to you just as soon as possible but in no event later than April 17 which I believe would effectively qualify as "immediate".

Thanks in advance for your anticipated cooperation and courtesies in this matter.

All rights otherwise reserved in their entirety without prejudice.

Very truly yours.

Paul F. Condzal
Attorney at Law
1330 Avenue of the Americas, 23rd Floor
New York, New York 10019
Tel: (212) 688-3637
Mobile: (917) 653-4998
Email: paul@condzal-law.com
Web: www.condzal-law.com

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From: Benjamin J. A. Sauter <Benjamin.Sauter@kobrekim.com>
Sent: Thursday, April 7, 2022 10:21 PM
To: neil@neilesq.com <neil@neilesq.com>; Condzal, Paul F. <paul@condzal-law.com>
Cc: Christopher Cogburn <Christopher.Cogburn@kobrekim.com>
Subject: SingularDTV GmbH v. LeBeau, et al., 21-CV-10130 (SDNY)

Neil and Paul,

You have presumably seen the court's order requiring your clients "immediately to produce all nonprivileged documents that are responsive to [SingularDTV's] requests in Exhibit A to Plaintiff's motion." Both the order and the document requests are attached here for your convenience.

Given that your clients have had notice of our requests since February 25, we expect strict compliance with the order and production of the required documents by the end of business on Monday the 11th. In the meantime, please let us know if you have any questions about the requests.

Best regards,

Benjamin J. A. Sauter
+1 212 488 1288

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B. Sauter, P. Condzal E-mail Correspondence
April 7–19, 2022

From: [Condzal, Paul F.](#)
To: [Benjamin J. A. Sauter](#); neil@neilesq.com
Cc: [Christopher Cogburn](#)
Subject: Re: [EXTERNAL] Re: SingularDTV GmbH v. LeBeau, et al., 21-CV-10130 (SDNY)
Date: Tuesday, April 19, 2022 4:46:28 PM

Benjamin:

I am in the process of reviewing your email etc.

I will get back to you tomorrow about your issues but we can probably figure it out.

In the meantime, all rights reserved without prejudice etc.

Thanks again.

Paul F. Condzal
Attorney at Law
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From: Benjamin J. A. Sauter <Benjamin.Sauter@kobrekim.com>
Sent: Monday, April 18, 2022 11:18 PM
To: Condzal, Paul F. <paul@condzal-law.com>; neil@neilesq.com <neil@neilesq.com>
Cc: Christopher Cogburn <Christopher.Cogburn@kobrekim.com>
Subject: RE: [EXTERNAL] Re: SingularDTV GmbH v. LeBeau, et al., 21-CV-10130 (SDNY)

Paul,

On April 6, the Court ordered the Defendants, including Ms. Jackson, “immediately to produce all nonprivileged documents that are responsive to Plaintiff’s requests in Exhibit A to Plaintiff’s motion.”

On April 7, in light of the Court’s unequivocal directive and the fact that your clients have had notice of our requests since February 25, we notified you that we expected strict compliance with the Order and production of the required documents by the end of business on Monday the 11th. You responded on April 8 that Ms. Jackson was just now beginning a “due and diligent search” and would produce documents “in no event later than April 17,” which you argued “would effectively qualify as ‘immediate.’” It is now April 18 and Ms. Jackson still has not produced a single document, in clear violation of the Court’s directive.

Ms. Jackson’s “objections,” which you sent us today at 5:35 pm, flout her obligation “immediately to produce all nonprivileged documents that are responsive to Plaintiff’s requests in Exhibit A to Plaintiff’s motion.” The Court’s April 6 order did not invite the Defendants to continue resisting discovery on the Cold Wallet issue by lodging objections twelve days later, let alone on issues that were already raised in the Defendants’ briefing on our motion and specifically rejected by the Court. To the contrary, the Court considered our requests and ruled that they “are appropriately tailored to the immediate issue.” Moreover, Ms. Jackson’s objections are inadequate even on their own terms, as they fail to “state whether any responsive materials are being withheld on the basis of” the objections provided, as Rule 34(b) requires.

Please provide us with your availability for a meet-and-confer discussion tomorrow (Tuesday, April 19), as we intend to raise Ms. Jackson’s continued noncompliance with the Court unless it is resolved very quickly. When we speak, please be prepared to explain:

- whether your client has conducted a diligent search for documents responsive to each of our requests;
- if so, how the search was conducted, who conducted it, what documents were reviewed, and how many responsive documents were identified; and
- whether your client is refusing to produce any responsive documents and, if so, the basis for that refusal.

Please be advised that SingularDTV intends to seek fees for any work required to compel Ms. Jackson to comply with the Court’s April 6 Order.

Benjamin J. A. Sauter
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From: Condzal, Paul F. <paul@condzal-law.com>

Sent: Monday, April 18, 2022 5:35 PM

To: Benjamin J. A. Sauter <Benjamin.Sauter@kobrekim.com>; neil@neilesq.com

Cc: Christopher Cogburn <Christopher.Cogburn@kobrekim.com>

Subject: [EXTERNAL] Re: SingularDTV GmbH v. LeBeau, et al., 21-CV-10130 (SDNY)

Ben:

Annexed find a copy of Ms. Jackson's responses and objections to Plaintiff's demand for documents.

Thanks again for your kind courtesies in this matter.

Paul F. Condzal

Attorney at Law

1330 Avenue of the Americas, 23rd Floor

New York, New York 10019

Tel: (212) 688-3637

Mobile: (917) 653-4998

Email: paul@condzal-law.com

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immediately notify the sender by replying to this e-mail and delete the message and any attachment(s) from your system. Thank you.

From: Benjamin J. A. Sauter <Benjamin.Sauter@kobrekim.com>
Sent: Thursday, April 7, 2022 10:21 PM
To: neil@neilesq.com <neil@neilesq.com>; Condzal, Paul F. <paul@condzal-law.com>
Cc: Christopher Cogburn <Christopher.Cogburn@kobrekim.com>
Subject: SingularDTV GmbH v. LeBeau, et al., 21-CV-10130 (SDNY)

Neil and Paul,

You have presumably seen the court's order requiring your clients "immediately to produce all nonprivileged documents that are responsive to [SingularDTV's] requests in Exhibit A to Plaintiff's motion." Both the order and the document requests are attached here for your convenience.

Given that your clients have had notice of our requests since February 25, we expect strict compliance with the order and production of the required documents by the end of business on Monday the 11th. In the meantime, please let us know if you have any questions about the requests.

Best regards,

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B. Sauter, P. Condzal E-mail Correspondence
April 7–20, 2022

From: [Benjamin J. A. Sauter](#)
To: [Condral, Paul E.](#)
Cc: neil@neilesq.com; [Christopher Cogburn](#)
Subject: Re: [EXTERNAL] Re: SingularDTV GmbH v. LeBeau, et al., 21-CV-10130 (SDNY)
Date: Wednesday, April 20, 2022 5:38:14 PM

Paul,

You misstate the Court's order in suggesting that it only requires Ms. Jackson to "respond to the document demand" by interposing objections. The Court's order is very clear that her obligation is "immediately to produce all nonprivileged documents that are responsive to" our document requests.

Your statement that I or my client is "well aware" of your client's level of involvement in the Cold Wallet issue is wrong. This is why expedited discovery on this issue is necessary.

Although you have declined to provide us with any details about what your client did (or did not) do to search for responsive documents, your proposal that we now discuss search terms—two weeks after Ms. Jackson was ordered to immediately produce responsive documents—appears to confirm that your client has not already conducted a diligent search.

Finally, we are puzzled by your continued reliance on the motion to dismiss and the corresponding stay on merits discovery. As we explained in our reply papers—and as the Court evidently agreed—those things have nothing to do with our request for expedited discovery into apparent contempt violations. This is why, notwithstanding that stay of other discovery, the Court ordered your client to produce all nonprivileged documents responsive to our requests "immediately."

Given your refusal to meet and confer on these issues, we plan to raise the issue with the Court and will seek recovery of the fees our client incurs in doing so. We remain available to meet and confer tomorrow if you are willing to do so.

Best regards,

Benjamin J. A. Sauter
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On Apr 20, 2022, at 4:06 PM, Condzal, Paul F. <paul@condzal-law.com> wrote:

Ben:

On April 8, 2022 I sent you an email regarding a proposed schedule to which you did not object or even respond. Nonetheless, we did respond and object to the document demand on the schedule I had indicated. I therefore cannot ascertain what you are now complaining about in this regard.

The accusation that any court order was "flouted" is completely unfounded and in fact just disrespectful. A Rule 26(f) discussion "can and should include cooperative planning, rather than unilateral decision-making" (*Ruiz-Bueno*, 2013 WL 6055402, at *3).

My client has indeed fulfilled her obligation to respond to the document demand. By way of clarification, further good faith, and even though not required by Rule 34 (b) (which only requires a statement if documents are being withheld, not if they are not being withheld), there are not any documents being withheld on the basis of the objections. More to the point, and as you are likely well aware, Ms. Jackson was out of the loop on the "issues" of Cold and or Paper Wallets and she otherwise does not have access to any email accounts controlled by your client. She cannot produce what is outside of her custody possession and control-- to the extent it exists

at all. As to the controversy about the "device" and its purported contents, I note that nowhere in any of the Plaintiff's TRO/OSC supporting papers and/or the Complaint/Amended Complaint are there even any contrary allegations against my client in this regard. Courts require the requesting party to show that additional responsive materials exist and were withheld (see, for example, *Orillaneda v. French Culinary Inst.*, No. 07-3206, 2011 WL 4375365, at *5-9 (S.D.N.Y. Sept. 19, 2011) Your email fails to indicate any such "additional responsive materials".

Your email signals the obvious intent to rely on an old playbook and bring any issue you can fabricate about purported discovery deficiencies to the Court. As such, I do not want to engage in responding to questions you send at midnight which will only lead to additional questions and accusations from your side. That said, I would consider providing a *Jackson* affidavit if it will conclude the purported matter. I would even entertain a proposal for certain "key word" searches beyond "Paper Wallet" and "Cold Wallet Device" if reasonable in number etc. However, kindly note that we will also be seeking fees from your client if we are forced to defend against meritless charges and a fishing expedition. Especially with the pending motion to dismiss the Amended Complaint and stay of discovery to which you agreed and was so-ordered by the Court in place.

My Easter holiday begins this evening so I am out of the office the next few days. I would be glad to reconvene on any remaining issues Monday.

All rights and objections otherwise reserved in their entirety without prejudice.

Thanks again.

Paul F. Condzal
Attorney at Law
1330 Avenue of the Americas, 23rd Floor
New York, New York 10019

Tel: (212) 688-3637

Mobile: (917) 653-4998

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From: Benjamin J. A. Sauter <Benjamin.Sauter@kobrekim.com>

Sent: Monday, April 18, 2022 11:18 PM

To: Condzal, Paul F. <paul@condzal-law.com>; neil@neilesq.com <neil@neilesq.com>

Cc: Christopher Cogburn <Christopher.Cogburn@kobrekim.com>

Subject: RE: [EXTERNAL] Re: SingularDTV GmbH v. LeBeau, et al., 21-CV-10130 (SDNY)

Paul,

On April 6, the Court ordered the Defendants, including Ms. Jackson, "immediately to produce all nonprivileged documents that are responsive to Plaintiff's requests in Exhibit A to Plaintiff's motion." On April 7, in light of the Court's unequivocal directive and the fact that your clients have had notice of our requests since February 25, we notified you that we expected strict compliance with the Order and production of the required documents by the end of business on Monday the 11th. You responded on April 8 that Ms. Jackson was just now beginning a "due and diligent search" and would produce documents "in no event later than April 17," which you argued "would effectively qualify as 'immediate.'" It is now April 18 and Ms. Jackson still has not produced a single document, in clear violation of the Court's directive.

Ms. Jackson's "objections," which you sent us today at 5:35 pm, flout her obligation "immediately to produce all nonprivileged documents that are responsive to Plaintiff's requests in Exhibit A to Plaintiff's motion." The Court's April 6 order did not invite the Defendants to continue resisting discovery on the Cold Wallet issue by lodging objections twelve days later, let alone on issues that were already raised in the Defendants' briefing on our motion and specifically rejected by the Court. To the contrary, the Court considered our requests and ruled that they "are appropriately

tailored to the immediate issue.” Moreover, Ms. Jackson’s objections are inadequate even on their own terms, as they fail to “state whether any responsive materials are being withheld on the basis of” the objections provided, as Rule 34(b) requires.

Please provide us with your availability for a meet-and-confer discussion tomorrow (Tuesday, April 19), as we intend to raise Ms. Jackson’s continued noncompliance with the Court unless it is resolved very quickly. When we speak, please be prepared to explain:

- whether your client has conducted a diligent search for documents responsive to each of our requests;
- if so, how the search was conducted, who conducted it, what documents were reviewed, and how many responsive documents were identified; and
- whether your client is refusing to produce any responsive documents and, if so, the basis for that refusal.

Please be advised that SingularDTV intends to seek fees for any work required to compel Ms. Jackson to comply with the Court’s April 6 Order.

Benjamin J. A. Sauter
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Sent: Monday, April 18, 2022 5:35 PM

To: Benjamin J. A. Sauter <Benjamin.Sauter@kobrekim.com>; neil@neilesq.com
Cc: Christopher Cogburn <Christopher.Cogburn@kobrekim.com>
Subject: [EXTERNAL] Re: SingularDTV GmbH v. LeBeau, et al., 21-CV-10130 (SDNY)

Ben:

Annexed find a copy of Ms. Jackson's responses and objections to Plaintiff's demand for documents.

Thanks again for your kind courtesies in this matter.

Paul F. Condzal
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From: Benjamin J. A. Sauter <Benjamin.Sauter@kobrekim.com>
Sent: Thursday, April 7, 2022 10:21 PM
To: neil@neilesq.com <neil@neilesq.com>; Condzal, Paul F. <paul@condzal-law.com>
Cc: Christopher Cogburn <Christopher.Cogburn@kobrekim.com>
Subject: SingularDTV GmbH v. LeBeau, et al., 21-CV-10130 (SDNY)

Neil and Paul,

You have presumably seen the court's order requiring your clients "immediately to

produce all nonprivileged documents that are responsive to [SingularDTV's] requests in Exhibit A to Plaintiff's motion." Both the order and the document requests are attached here for your convenience.

Given that your clients have had notice of our requests since February 25, we expect strict compliance with the order and production of the required documents by the end of business on Monday the 11th. In the meantime, please let us know if you have any questions about the requests.

Best regards,

Benjamin J. A. Sauter
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N. Postrygacz, B. Sauter E-mail Correspondence
April 20, 2022

From: [Benjamin J. A. Sauter](#)
To: [neil.postrygacz](#)
Cc: [Condral, Paul E.](#); [Christopher Cogburn](#)
Subject: Re: [EXTERNAL] ZL Responses
Date: Wednesday, April 20, 2022 5:21:40 PM
Attachments: [SingularDTV Key Management.pdf](#)
[ZL Doc Response and Objections .pdf](#)

Neil,

—Is this pdf document the entirety of the production Mr. LeBeau intends to make? I understand from the responses/objections that it is being produced only in response to Request No. 1; please let me know if that understanding is incorrect.

—Did Mr. LeBeau conduct a diligent search for documents responsive to each of our requests?

— If so, please explain how the search was conducted, who conducted it, what documents were reviewed, and how many responsive documents were identified.

— Is Mr. LeBeau refusing to produce any responsive documents? If so, what is the basis for that refusal?

We ask that you please respond to these questions by tomorrow. We are also requesting a meet and confer tomorrow; please let us know when you're available.

Best regards,

Benjamin J. A. Sauter
+1 212 488 1288

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On Apr 20, 2022, at 4:39 PM, neil postrygacz <neil@neilesq.com> wrote:

Ben,

Please see attached. Thanks.

NLP